

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS POWER,

Plaintiff,

No.

v.

HEWLETT-PACKARD COMPANY,

Defendant.

NOTICE OF REMOVAL

AND NOW, comes the Defendant, Hewlett-Packard Company¹ (hereinafter “HP”), for the purpose only of removing this case to the United States District Court for the Western District of Pennsylvania, and respectfully avers as follows:

1. This is a civil action filed and now pending in the Court of Common Pleas of Allegheny County, Pennsylvania, Docket No. GD 17-001064.
2. The action was initiated by the filing of a Complaint on January 18, 2017. A copy of the Complaint is attached hereto as Exhibit “A”.
3. Plaintiff had a copy of the Complaint sent via Certified Mail to HP on January 18, 2017.
4. HP is now, and was at the time Plaintiff commenced this action and filed his Complaint, a corporation organized under the laws of the state of Delaware, with its principal place of business located at 3000 Hanover Street, Palo Alto, CA and therefore, is a citizen of Delaware and California for purposes of determining diversity. 28 U.S.C. §1332(c)(1).

¹The proper entity is HP Inc. as indicated on Defendant’s Praecipe for Appearance filed in the Allegheny Court of Common Pleas prior to this Notice.

5. Plaintiff, Thomas Power, was at the time this Complaint was filed, and is believed to be now, a citizen of the Commonwealth of Pennsylvania.

6. Plaintiff's personal injury Complaint demands compensatory and punitive damages in excess of the arbitration limits of Allegheny County, which is \$35,000.00.

7. The amount in controversy, upon information and belief, is in excess of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive interest and costs, in that Plaintiff, Thomas Power, alleges serious and severe injuries, including deep partial thickness burns covering three percent of his body requiring skin grafts, cellulitis and wound infection of the left knee and urinary and kidney dysfunction. Exhibit "A" at ¶26.

8. Plaintiff, Thomas Power, also claims that he has incurred medical expenses, permanent scarring and disfiguring and an impairment of his future earning capacity. Exhibit "A" at ¶28.

9. Moreover, counsel for Plaintiff is unwilling to execute a Stipulation capping Plaintiff's monetary damages at \$75,000.00 as requested by the undersigned.

10. This is a suit of a civil nature and involves a controversy between citizens of different states. Plaintiff is a citizen of the Commonwealth of Pennsylvania. Defendant, HP, is a citizen of the states of Delaware and California.

11. 28 U.S.C. §1446(b) provides that:

The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

12. HP files this Notice of Removal pursuant to 28 U.S.C. §1446(b).

13. This Notice of Removal is being filed within thirty (30) days of HP's receipt of

Plaintiff's Complaint.

14. The averments made herein are true and correct with respect to the date upon which the Complaint was filed, the date upon which Defendant HP was served with Plaintiff's Complaint, and the date upon which this Notice is being filed.

15. HP has simultaneously, with the filing of this Notice, given written notice to the Plaintiff.

16. HP will be filing a copy of the instant Notice of Removal, and all attachments thereto, with the Prothonotary of the Allegheny County Court of Common Pleas.

WHEREFORE, Hewlett-Packard Company, hereby removes this suit to this Honorable Court pursuant to the Laws of the United States.

Respectfully submitted:

BENNETT, BRICKLIN & SALTZBURG LLC



Michael A. Weiner, Esquire
Counsel for Defendant, Hewlett-Packard Company
Pa. I.D. 93640
707 Grant Street, Suite 1800
Pittsburgh, PA 15219
Phone: (412) 894-4100
Fax: (412) 894-4111
Email: weiner@bbs-law.com

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS POWER,

CIVIL DIVISION

Plaintiff,

No.

v.

HEWLETT-PACKARD COMPANY,

Defendant.

NOTICE TO PLAINTIFF

TO: Thomas Power
c/o Peter D. Friday, Esquire
Friday & Cox LLC
1405 McFarland Road
Pittsburgh, PA 15216

PLEASE TAKE NOTICE that Defendant Hewlett-Packard Company, by its attorneys, Bennett, Bricklin & Saltzburg LLC, has filed a Notice of Removal in the United States District Court for the Western District of Pennsylvania, removing to that Court a civil action previously pending in the Court of Common Pleas of Allegheny County, Pennsylvania, GD 17-001064, captioned Thomas Power v. Hewlett-Packard Company.

Respectfully submitted:

BENNETT, BRICKLIN & SALTZBURG LLC



Michael A. Weiner, Esquire
Counsel for Defendant, Hewlett-Packard Company
Pa. I.D. 93640
707 Grant Street, Suite 1800
Pittsburgh, PA 15219
Phone: (412) 894-4100
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THOMAS POWER,

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PROOF OF SERVICE

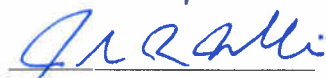
COMMONWEALTH OF PENNSYLVANIA :
:
COUNTY OF ALLEGHENY :

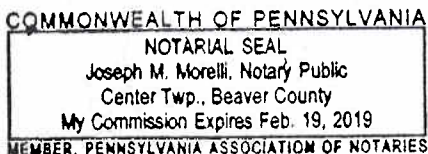
Michael A. Weiner, Esquire, being duly sworn according to law, deposes and says that he is an attorney in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for Defendant, Hewlett-Packard Company, and that he did serve this **2nd** day of February, 2017, the aforementioned Notice to Plaintiff, upon the individual named below by depositing a copy of same in the United State first class mail, postage prepaid, enclosed in envelope plainly addressed to:


Peter D. Friday, Esquire
Friday & Cox LLC
1405 McFarland Road
Pittsburgh, PA 15216

BENNETT, BRICKLIN & SALTZBURG LLC

Sworn to and subscribed
before me this 2nd day
of February, 2017


NOTARY PUBLIC




Michael A. Weiner, Esquire
Counsel for Defendant, Hewlett-Packard Company
Pa. I.D. 93640
707 Grant Street, Suite 1800
Pittsburgh, PA 15219
Phone: (412) 894-4100
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Email: weiner@bbs-law.com

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Plaintiff,

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PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF ALLEGHENY :

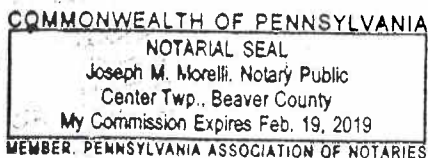
Michael A. Weiner, Esquire, being duly sworn according to law, deposes and says that he is an attorney in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for Defendant, Hewlett-Packard Company, and that he did direct the filing with the Prothonotary of the Court of Common Pleas of Allegheny County a copy of the Notice of Removal attached hereto, said filing to be made on 2/2/17.

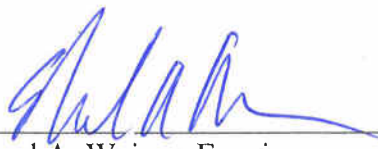
Peter D. Friday, Esquire
Friday & Cox LLC
1405 McFarland Road
Pittsburgh, PA 15216

BENNETT, BRICKLIN & SALTZBURG LLC

Sworn to and subscribed
before me this 2nd day
of February, 2017


NOTARY PUBLIC




Michael A. Weiner, Esquire
Counsel for Defendant, Hewlett-Packard Company
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